

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Atty. Docket No: **31869-230501**

Masashi TAKADA

Art Unit: 2614

Application No: 10/578,323

Examiner: Mohammad Islam

Filed: May 4, 2006

Confirmation No: 5758

For: **ECHO CANCELLER**

Customer No: **26694**

PATENT TRADEMARK OFFICE

**SECOND REQUEST FOR CONSIDERATION OF PREVIOUSLY FILED
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The form PTO/SB/08 returned with the Office Communication dated May 24, 2010, indicated that the following were not considered: Cite No. **BA** to Japanese Patent Document JP 2002-526961 and Cite No. **BC** to Japanese Patent Document JP 10-501951. Documents **BA** and **BC** were previously submitted with the Information Disclosure Statement (IDS) filed May 4, 2006, along with Cite No. **BB** to the English-language International Application Publication WO 00/19605 and Cite No. **BD** to the English-language International Application Publication WO 96/32776. Documents **BA** and **BC** are the Japanese patent documents corresponding to the English-language documents **BB** and **BD**, respectively. Applicant respectfully submits that the IDS was in compliance with 37 CFR §§ 1.97 and 1.98 and requests reconsideration of the listed documents.

37 C.F.R. § 1.98(3) states that an IDS shall include the following:

- (i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise

explanation may be either separate from applicant's specification or incorporated therein.

(ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

MPEP § 609.04(a)(III) states, in part:

An English-language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. . . . [T]he requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.

We believe documents **BA** and **BC** were struck out in error. Copies of the cited references JP 2002-526961 and JP 10-501951 were provided to the U.S. Patent and Trademark Office, along with English-language equivalent applications WO 00/19605 and WO 96/32776, and the English-language International Search Report indicating the degree of relevance of the references with the Information Disclosure Statement filed on May 4, 2006.

Applicant believes all requirements of 37 C.F.R. §§ 1.97 and 1.98 were met. Applicant satisfied the submission of a concise explanation of relevance requirement of 37 C.F.R. § 1.98(3)(i) with the submission of the English-language search report indicating the degree of relevance by the International Searching Authority. Applicant additionally satisfied the submission of an English-language translation requirement of 37 C.F.R. § 1.98(3)(ii) through the submission of the corresponding International Patent Application publication documents **BB** and **BD**.

Therefore, the Applicant respectfully requests reconsideration of Foreign Patent Reference documents **BA** and **BC** listed on the SB08 filed with the Information Disclosure Statement filed on May 4, 2006. Copies of the originally filed SB08, the originally filed International Search Report, and the May 15, 2010 signed copy of the

SB08 from the Examiner are enclosed. Copies of documents **BA**, **BB**, **BC** and **BE** are available in the Image File Wrapper in PAIR.

The Examiner is respectfully requested to contact Applicant's undersigned Representative if necessary.

Respectfully submitted,

Dated: June 8, 2010

By: /Michael A. Sartori, Ph.D./

Michael A. Sartori, Ph.D.

Registration No. 41,289

VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
(202) 344-4000
(202) 344-8300 (Fax)
Attorney/Agent For Applicant

1109816